

IN THE HIGH COURT OF JUDICATURE FOR  
RAJASTHAN  
JAIPUR BENCH  
S.B. Civil Writ Petition No.5966/06  
JVVNL Vs. Mst. Prem & Ors.

13.04.2007

**Hon'ble Mr. Justice Mohammad Rafiq**

Shri Jitendra Sharma for petitioner.

Challenge in this writ petition has been made to the order passed by the Additional District & Sessions Judge, Sawaimadhopur whereby the application of the petitioners seeking extension of time for making payment of compensation awarded under the judgment and decree dated 7.12.2004 was rejected.

Learned counsel for the petitioner argued that although in the original decree, the direction was to the effect that the amount of compensation shall be

paid by the petitioner within three months failing which they shall be liable to make payment of interest at the rate of 12% from the date of filing of the suit till the making of actual payment. But when the payment was made with the delay, no objection was raised by the respondents and the payment was accepted without protest. In these circumstances, the impugned order rejecting the application for extension of time cannot be sustained in law.

On perusal of the original judgment as also the impugned order, I find that while in the original judgment, the direction is very specific that the amount of compensation in the sum of Rs.3,60,000/- shall be paid by the defendants within three months and in case such payment is not made within the aforesaid period of three months, the plaintiff shall be

entitled to interest at the rate of 12% from the date of filing the suit till payment was actually made. Besides, the learned Court while passing the impugned order also noticed that the very application seeking extension of time was made after about nine months of the date of filing of the execution petition was filed.

In the facts and circumstances, I do not find that the learned Court by passing the impugned order has committed any such legal error so as to warrant interference by this Court.

There being no merit in the writ petition, the same is dismissed.

**Rs/**

**(Mohammad Rafiq), J.**